In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-652

HARRY L. BROWN, EXECUTOR
ESTATE OF HARRY A. HAVERLAH, DECEASED, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

The judgment of the court of appeals was entered on July 27, 1972 (Pet. App. B. 1-19). The petition, filed on October 27, 1972, is untimely, and since the time limitation is jurisdictional, the petition should be denied.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

NOVEMBER 1972

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